



**2024**  
**BOROUGH OF DUMONT**  
**ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
APONTE	✓			
KELLY	✓			
KOURELAKOS	✓			
LABARBERA				✓
MORRELL	✓			
STEWART	✓			
MAYOR RUSSELL				
TOTALS	5			1

**Ordinance No.** 1639

**Date:** August 21, 2024

**Page:** 1 of 6

**Subject:** Prohibition of Short-Term Rental Property

**Purpose:** Establishing Chapter 229 of the Dumont Borough Code

**Offered by:** Stewart

**Seconded by:** Kelly

**Dollar Amount:** \_\_\_\_\_

**Prepared By:** Jared A. Geist, Esq.

**Certified as a true copy of an Ordinance Adopted on 2<sup>nd</sup> Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:**

*Jeanine E. Siek*

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Jeanine E. Siek, RMC, Municipal Clerk  
Borough of Dumont, Bergen County, New Jersey

**ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF NEW JERSEY, ESTABLISHING CHAPTER 229 OF THE BOROUGH CODE – PROHIBITION OF SHORT-TERM RENTAL PROPERTY**

**Chapter 229**

**Prohibition of Short-Term Rental Property**

§ 229-1 Findings.

The Borough of Dumont, County of Bergen, State of New Jersey, hereby finds and adopts, as if set forth more fully herein, the fact assertions of the “whereas” clauses of this ordinance, as its findings of fact.

§ 229-2 Short-term rental property prohibited uses

A.

Notwithstanding anything to the contrary contained in the Borough Code, it shall be unlawful for a person or owner to receive or obtain actual or anticipated consideration for using, authorizing, permitting, or failing to discontinue the use of any dwelling unit as a short-term rental, as defined herein.

B.

Nothing in this chapter will prevent the formation of an otherwise lawful residential occupancy of a dwelling unit for a rental period of 31 days or more.

C.

Nothing in this article shall be deemed to prohibit the lawful operation of any hotel as that term is defined in the New Jersey Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.

D.

The lease or rental, for any purpose, of any amenity, feature, accessory, or appurtenance to or associated with a dwelling is prohibited.

§ 229-3 Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

ADVERTISE or ADVERTISING

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this ordinance, as same may be viewed through various media including, but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for Consideration, which are prohibited by this ordinance.

## CONSIDERATION

Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quid pro quo, rent, fees, other form of payment, or thing of value.

## DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, cooperative, converted space, or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration, for a period of 30 days or less.

## HOSTING PLATFORM

A website or marketplace in whatever form, whether online or not, which facilitates short-term rentals through advertising, searching, matchmaking, or any other means, using any medium of facilitation and from which the operator of the hosting platform derives revenues, including but not limited to booking fees or advertising revenues, from providing or maintaining the website or marketplace.

## HOUSEKEEPING UNIT

Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

## OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit.

## OWNER

Any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sublease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

## PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

## RESIDENTIAL OCCUPANCY

The use of a dwelling unit by an occupant(s).

## SHORT-TERM RENTAL

A residential occupancy for a period of fewer than 31 days.

### § 229-4 Permitted uses

The residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of 30 days or less by a person who is a member of the housekeeping unit of the owner, without consideration, such as house guests, is permitted.

### § 229-5 Advertising prohibited.

It shall be unlawful to advertise, solicit or promote by any means actions in violation of this ordinance.

#### A.

It shall be unlawful to advertise, solicit or promote by any means actions in violation of this ordinance.

#### B.

It shall be unlawful for any hosting platform to undertake, maintain, authorize, aid, facilitate or advertise any short-term rentals in violation of this chapter.

§ 229-6 Enforcement; violations and penalties.

A.

The provisions of this ordinance shall be enforced by the Construction Official, Zoning Official, Fire Official and/or other Subcode or Code Official, as their jurisdiction may arise, including other persons designated by the Borough Council, to issue municipal civil infractions directing alleged violators of this ordinance to appear in court or to file civil complaints.

B.

A violation of this ordinance is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.

C.

Any person found to have violated any provision of this ordinance, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,000 each day of such violation shall be a new and separate violation of this ordinance.

D.

The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Borough of Dumont Municipal Court or the Superior Court of New Jersey in the vicinage of Bergen County, or in such other Court, or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

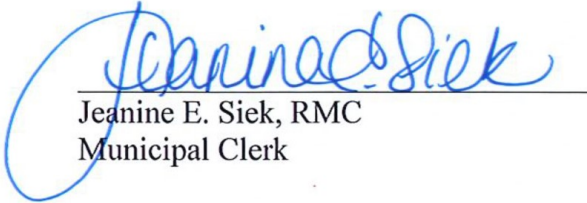
§ 229-7 Severability.

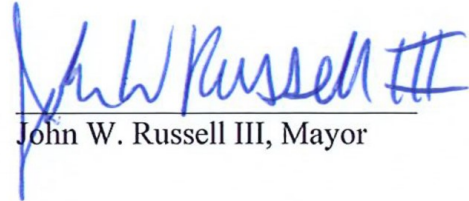
If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this ordinance but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

**Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

ATTEST:

  
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Jeanine E. Siek, RMC  
Municipal Clerk

  
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John W. Russell III, Mayor

Introduced: July 16, 2024  
Adopted: August 21, 2024